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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:18534 of 2006

DATED: 29-09-2006

Between:

J.Krishna Babu

..... PETITIONER

AND

1. Assistant Wagon Manager, Wagon Workshop, Guntupally and another

.....RESPONDENTS

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ORDER:(per Hon'ble Sri Justice Ramesh Ranganathan)

Heard both sides, and at their request, the main writ petition itself is taken up for disposal.

Aggrieved by the order of the Tribunal in O.A.No.435 of 2004 dated 18-07-2006, dismissing the original application filed by the petitioner-applicant challenging the charge sheet issued against him

as vague, the present writ petition is filed. The Tribunal initially directed that no final orders should be passed pending disposal of the OA. It is stated that, during pendency of the O.A., enquiry was held, the enquiry report submitted and thereafter a show cause notice was issued calling upon the petitioner to submit his reply thereto. In the meanwhile, the Tribunal, by order dated 18-07-2006, dismissed the Original Application.

Before us, Sri K.S.Murthy, learned counsel for the petitioner, would strenuously contend that the charge sheet filed is vague and, as very same objection raised by the petitioner-applicant before the disciplinary authority, as early as in May, 2003, was rejected, no useful purpose would be served in again raising the very same objection regarding vagueness of the charge sheet before the disciplinary authority. Learned counsel apprehends that since the disciplinary authority has already made up his mind, and had earlier rejected the petitioner's request that the charge sheet be quashed as it is vague, no useful purpose would be served in now submitting a reply to the show cause notice.

Sri R.S.Murthy, learned counsel for the respondents, would assure this Court that the disciplinary authority would exercise his mind independently to the explanation submitted by the petitioner-applicant and, on the basis of the findings of the enquiry officer and all other material available on record, would pass appropriate orders

afresh in accordance with law, without, in any manner, being influenced by the earlier decisions taken by him in May, 2003.

Taking note of the submission of Sri R.S.Murthy, learned counsel for the respondents, we grant the petitioner two weeks time from the date of receipt of a copy of this order to submit his explanation to the show cause notice. The respondents herein shall pass appropriate orders thereupon, in accordance with law, within four weeks thereafter. Needless to state that till final orders are passed by the disciplinary authority, the proposed punishment shall not be given effect to.

The Writ Petition is accordingly disposed of. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

29th September, 2006

NOTE:

Operative portion by wire
at party's costs.
B/o.
SKM